

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
TYLER DIVISION**

NOVELPOINT TRACKING LLC

Plaintiff,

v.

FORD MOTOR COMPANY

Defendants.

Case No. 6:12-cv-832-LED

(Judge Davis)

**PLAINTIFF NOVELPOINT TRACKING LLC AND DEFENDANT FORD MOTOR
COMPANY JOINT MOTION TO DISMISS**

Plaintiff NovelPoint Tracking LLC and Defendant Ford Motor Company (collectively “Parties”) file this joint Motion to Dismiss *with* prejudice any and all claims, legal and equitable, including without limitation counterclaims, cross-claims, and third-party claims, in this matter, against all Parties pursuant to FED. R. CIV. P. 41, and thereby voluntarily dismiss this action.

Dismissal of the claims enumerated above, *with* prejudice, is proper under FED. R. CIV. P. 41(a) because (i) the parties have resolved their disputes; (ii) dismissal is not prohibited by FED. R. CIV. P. 23(e), 23.1(c), 23.2, or 66, or by any applicable federal statute; and (iii) all parties to the case join in this Joint Motion to Dismiss. The Parties have not previously dismissed any federal- or state-court actions against one another based on or including the same claim, but state pursuant to FED. R. CIV. P. 41(a)(1)(B) that Defendant has taken a license from Plaintiff under mutually acceptable terms and conditions in settlement of any and all claims the Parties have or might have made against one another, and therefore dismissal of both Parties is proper *with* prejudice and without further conditions.

A proposed Order of Dismissal is attached for the convenience of the Court.

DATED: March 21, 2013

Respectfully submitted,

/s/ Everett Upshaw
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